

**SUPPORTING STATEMENT**

**A. JUSTIFICATION**

1. The Federal Communications Commission ("Commission") is requesting that the Office of Management and Budget (OMB) approve a three-year extension of OMB Control No. 3060-1066 (delegated authority collection) titled, "Renewal of Application for Satellite Space and Earth Station Authorization"(FCC Form 312-R).

The FCC Form 312-R is used by earth station licensees to request renewals of their applications. This application was developed as a result of the Federal Communications Commission's ("Commission") release of a Third Report and Order and Second Further Notice of Proposed Rulemaking (IB Docket Nos. 02-34 and 00-248, FCC 03-154) on July 8, 2003 titled, "In the Matter of Amendment of the Commission's Space Station Licensing Rules and Policies 2000 Biennial Regulatory Review -- Streamlining and Other Revisions of Part 25 of the Commission's Rules Governing the Licensing of, and Spectrum Usage by, Satellite Network Earth Stations and Space Stations." (Note: This rulemaking is called the "Schedule S" rulemaking).

Earth station licensees are required to file the FCC Form 312-R with the Commission in lieu of the "Application for Renewal of Radio Station License in Specified Services" (FCC Form 405). The FCC Form 312-R was created to have a form specifically designated for the renewal of earth station licenses and to facilitate the electronic filing of renewals of earth station licenses in the International Bureau Filing System (IBFS). Prior to the Commission's adoption of the new form, the FCC Form 405 was shared between the International Bureau (IB) and the Wireless Telecommunications Bureau (WTB). The FCC Form 405 was transferred from the IB to the WTB. The FCC Form 405 continues to be used by common carriers and Multipoint Distribution Service non-common carriers to apply for renewal of radio station licenses at the Commission. The FCC Form 405 is approved by the OMB under OMB Control No. 3060-0093.

The specific rules applicable to this collection are 47 CFR Section 25.121(e) and 25.131(h). These rule sections lay out the actual filing requirements of FCC Form 312-R.

The Commission has authority for this information collection under Sections 4(i), 7(a), 303(c), 303(f), 303(g), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 157(a), 303(c), 303(f), 303(g), and 303(r).

This information collection does not affect individuals or households; thus, there are no impacts under the Privacy Act.

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2. This collection is used by the Commission staff in carrying out its duties concerning satellite communications as required by Section 301, 308, 309 and 310 of the Communications Act, 47 U.S.C. Sections 301, 308, 309, 310. This collection is also used by the Commission staff in carrying out its duties under the World Trade Organization (WTO) Basic Telecom Agreement. The information collection requirements accounted for in this collection are necessary to determine the technical and legal qualifications of applicants or licensees to operate a station, transfer or assign a license, and to determine whether the authorization is in the public interest, convenience and necessity. All renewal earth station applications filed under Part 25 are included in this collection. As technology advances and new spectrum are allocated for satellite use, applicants for renewals of earth station licenses will continue to submit the information required in Part 25 of the Commission's rules. Without such information, the Commission could not determine whether to permit respondents to provide telecommunication services in the U.S. Therefore, the Commission would be unable to fulfill its statutory responsibilities in accordance with the Communications Act of 1934, as amended, and the obligations imposed on parties to the WTO Basic Telecom Agreement.

3. In an effort to minimize the paperwork burden on the public, the Commission developed the International Bureau Filing System (IBFS), a user-friendly, Internet-based computer system. In 2005, the Commission implemented mandatory electronic filing of all earth station and space station applications. A total of 100 percent of FCC Form 312-Rs are filed electronically in IBFS in order to request renewals of earth station licensees. The Commission has long-term plans to develop a Consolidated Licensing System ("CLS") that will replace IBFS. After the CLS is developed, the FCC Form 312-R will be migrated from IBFS to CLS or the form will be developed in the CLS.

4. The FCC Form 312-R is identical in content to the FCC Form 405. The FCC Form 312-R was developed to have a form specifically designated for the renewal of earth station licenses and to facilitate the electronic filing of renewals of earth station licenses in the IBFS. The FCC Form 405 continues to be used by common carriers and Multipoint Distribution Service non-common carriers to apply for renewal of radio station licenses at the Commission. The FCC Form 405 could not be made available on the IBFS because this database system is only used in connection with international filings. (Note: The FCC Form 405 is approved by the OMB under OMB Control No. 3060-0093).

5. The Commission is making an effort to minimize the burden on all respondents, regardless of size, in conformance with the PRA. The Commission limited the information collection requirements to those that are absolutely necessary for evaluating and processing the application and for deterring possible abuses of the application process. This information collection does not have a substantial impact on any small entities.

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6. If the various data in this collection were collected less frequently or not filed in conjunction with our rules, then applicants and licensees would not obtain the authorization necessary to provide telecommunications services; the Commission would not be able to carry-out its mandate as required by statute; and applicants and licensees would not be able to provide services to the public effectively.
7. This information collection will not be conducted in any manner known to be inconsistent with the guidelines in 5 C.F.R. § 1320.
8. On October 16, 2009, the Commission published a 60-day notice (74 FR 53235) in the Federal Register to solicit comments from the public on this information collection. The comment period ended on December 15, 2009. No comments were received from the public.
9. Respondents will not receive any payments or gifts.
10. There is no need for confidentiality with this collection of information.
11. This information collection does not address any matters of a private or sensitive nature.
12. Estimate of Burden Hours/Respondent Cost:

Please see the chart below for the number of responses, frequency of response, time per response, total annual burden hours, and explanation of burden estimate for the six respondents to this information collection.

**EARTH STATIONS**

Explanation of Burden Estimate	Number of Responses	Frequency of Response	Time Per Response	Total Annual Burden Hours
47 CFR Sections 25.121(e) and 25.131(h) <sup>1</sup> Form 312-R to be filed by earth station applicants in lieu of Form 405 to request license renewals	6	1 On Occasion filing	2 hours/ response	12 hours

<sup>1</sup> Sections 25.121(e) and 25.131(h) lay out the actual filing requirements for FCC Form 312-R.

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**“In-house Cost”:** The respondent’s hourly wage is estimated to be \$60/hour. Therefore, the respondent’s in-house cost is as follows: 12 annual burden hours x \$60/hour = **\$720.00**.

13. Estimate of the Total Annual Cost Burden to Respondents:

(a) Start-Up Costs: Zero

(b) Operations and Maintenance Costs:

Cost for Outside Legal Assistance

Respondents are assumed to use outside legal assistance to complete and file their applications. The cost to applicants for these services is estimated at \$300 per hour. This figure is based on a small survey of local firms in the Washington, D.C. area and is considered to be a conservative estimate. The average cost of \$300 per hour X 6 responses X 1 hours per submission = **\$1,800** total costs for outside legal/engineering assistance.

Application Filing Fees

\$150 application fee X 6 respondents = **\$900** total application filing fees

Total Costs to the Industry	Totals
Cost of Outside Legal/Engineering Assistance	\$1,800
Filing Fee Estimates	\$900
<b>Total Cost to Respondents</b>	<b>\$2,700</b>

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14. Estimates of Annualized Cost to the Federal Government:

The annual cost to the Federal Government to process the FCC Form 312-R is approximately **\$10,654.08**. A chart with a description of costs is provided below.

Costs	Estimated Costs to Process FCC Form 312-R
Personnel Costs	<p>\$67.21 Per Hour X 6 GS-15/Step 5 Attorneys X 2 Hours for Review X 6 Applications = <b>\$4,839.12</b></p> <p>\$67.21 Per Hour X 6 GS-15/Step 5 Engineers X 2 Hours for Review X 6 Applications = <b>\$4,839.12</b></p> <p>\$40.66 Per Hour X 4 GS-12/Step 5 Telecommunications Specialists X 1 Hour for Review X 6 Applications = <b>\$975.84</b></p> <p style="text-align: center;"><b>Total = \$10,654.08</b></p>

15. This Supporting Statement reflects an adjustment in the total annual cost burden from \$2,000 to \$2,700 (+700) due to an increase in the hourly rate for outside legal assistance from \$200 per hour to \$300 per hour. There are no program changes to this information collection.

16. The data will not be published for statistical use.

17. We are seeking a waiver of the requirement to display the expiration date of OMB approval on the FCC Form 312-R and wish to instead display a version date. If this form remains unchanged when it is time to renew OMB approval for this collection, the Commission would be required to destroy all stock on hand displaying the old expiration date and then reprint and redistribute the forms with the new expiration date. This would be an undue burden on Commission resources and may lead to confusion among licensees.

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18. On October 16, 2009, the Commission published a 60-day notice (74 FR 53235) in the Federal Register. In this Notice, we stated that annual costs were estimated at \$2,000. However, the costs increased from \$2,000 to \$2,700 (+700) due to an increase in the hourly rate for outside legal assistance from \$200 per hour to \$300 per hour. Also, the 60-day notice stated that the estimated time per response as 1 hour. The correct estimated time per response for this collection is 2 hours per response. There are no other exceptions to the Certification Statement.

**B. Collections of Information Employing Statistical Methods**

No statistical methods are employed.